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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

LYNN M. CHANTEL,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social  
Security,

Defendant.

Civ. No. 08-1221-AA

OPINION AND ORDER

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AIKEN, Chief Judge:

Plaintiff suit under 42 U.S.C. § 405(g) seeking judicial review of the Commissioner's decision denying her application for Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act (the Act). The Commissioner moves to dismiss plaintiff's complaint for lack of subject matter jurisdiction, because plaintiff filed her complaint for judicial review after the


applicable sixty-day limitations period. See 42 U.S.C. § 405(g) (review of a final decision of the Commissioner must be commenced within sixty days after the mailing of the notice of the decision, or within such further time as the Commissioner may allow).

Plaintiff concedes her complaint was not filed in a timely manner but contends that she was unrepresented by counsel at the time and that her complaint was only eight days late. I am unpersuaded. The Commissioner did not extend or waive the applicable limitations period, and plaintiff fails to present extraordinary or egregious circumstances to warrant equitable tolling. Banta v. Sullivan, 925 F.2d 343, 346-47 (9th Cir. 1991).

Accordingly, defendant's Motion to Dismiss (doc. 10) is GRANTED. This case is DISMISSED.

IT IS SO ORDERED.

Dated this 24 day of August, 2009.

  
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Ann Aiken  
Chief United States District Judge